

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

United States

v.

Case No. 00-cr-17-02-SM

Wayne S. Witham

ORDER

Re: Document No. 43, Motion for Reconsideration  
re: [42] Final Order of Continuing Garnishment

Ruling: Granted. The government's memorandum raises issues already decided, without offering anything new that might warrant reconsideration, but also raises issues, both directly and implicitly, that do warrant additional consideration. For example, the government's position suggests that it, and the court, may well have misconstrued the fundamental nature and continuing effect of the restitution order itself - i.e. the legal scope of the judgment the government is entitled to enforce through collection processes available to it. In due course the court will issue a list of specified legal and factual issues for further briefing by the parties.

  
Steven J. McAuliffe  
Chief Judge

Date: March 19, 2010

cc: Michael T. McCormack, AUSA  
Wayne S. Witham, Esq.